

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MTR FOODS LTD. and AMTRADE INC.

Plaintiffs,

-against-

MTR IMPORTS, INC.; SUBRAYA MAIYA; and
ARUN MAIYA,
Defendants.

MTR IMPORTS, INC.; SUBRAYA MAIYA; and
ARUN MAIYA,

Counterclaim Plaintiffs,

-against-

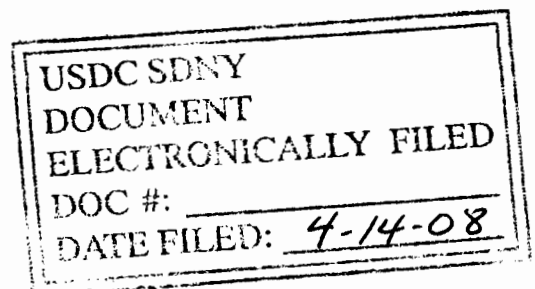
MTR FOODS LTD., and AMTRADE INC.
Counterclaim Defendants.

Civ No. '07 CIV 8022 (Judge Rakoff)
**CONSENT JUDGMENT AND
PERMANENT INJUNCTION**

THIS MATTER having been commenced by the filing of a Complaint and Amended Complaint for trademark infringement, false designation of origin, declaratory judgment, breach of contract and related wrongs by MTR Foods Ltd. ("MTR Foods") and Amtrade Inc. ("Amtrade") (collectively, "Plaintiffs") against MTR Imports, Inc., Subraya Maiya, and Arun Maiya (collectively "Defendants"), and Defendants having filed counterclaims against Plaintiffs, and the parties having agreed to settle this matter and to terminate this action, by this Consent Judgment and Permanent Injunction and by a Settlement Agreement, and this matter having been brought on for a hearing by stipulation and the Court being duly advised, the Court finds and orders as follows:

1. MTR Foods is the sole and exclusive owner of all right, title, and interest to the trademark MTR and all variations, applications and registrations thereof, including but not limited to U.S. Trademark Registration Nos. 1,952,165; 1,883,740; and 2,688,146, and Canadian Trademark Registration No. TMA624448, together with the goodwill of the business symbolized by said marks (collectively "MTR Marks").

2. The MTR Marks are inherently distinctive marks and have acquired distinctiveness throughout the United States and Canada as designating food products manufactured by MTR Foods.



3. Defendants own no right, title, or interest of any type or nature whatsoever to the MTR Marks. Defendants are not importers, distributors, forwarders, or agents for MTR Foods. Defendants' use of the MTR Marks constitutes trademark infringement and unfair competition in violation of federal and state law.

4. Amtrade's use of the MTR Marks does not violate any right of Defendants.

IT IS HEREBY ORDERED:

A. Defendants are permanently enjoined from all use of MTR Marks, and any other name, term, mark, device, logo, designation, or design which imitates or which is similar to the foregoing, whether alone or in combination with any other name(s), term(s), mark(s), device(s), logo(s), designation(s), and/or design(s), whether in upper case letters or lower case letters, including any marks containing the term "MTR", variations thereof, or a foreign language equivalent to MTR or any similar mark.

B. Defendants are permanently enjoined from contesting, challenging, or causing to be contested or challenged, either directly or indirectly, the validity of the MTR Marks or MTR Foods' exclusive ownership of all right, title, and interest to the MTR Marks.

C. Defendants are permanently enjoined from seeking registration of, or coming to own, an application or registration for MTR or variations or stylizations thereof, a foreign equivalent of MTR or variations or stylizations thereof, or similar designations of such variations or stylizations.

D. Defendants shall, at their own cost, assign to MTR Foods the internet domain name mtrimports.com and any other internet domain names containing either the term "MTR" or variations thereof.

E. Defendants are permanently enjoined from using, registering, seeking to register, or coming to possess any internet domain names containing MTR, variations thereof, or a foreign equivalent to MTR.

F. Defendants shall immediately cancel any fictitious name registrations and corporate registrations for the trade name, business name, or corporate name "MTR", "MTR Imports", "MTR Imports, Inc.", or any variations thereof.

G. Defendants are permanently enjoined from using or seeking registration of any fictitious name, business name, or corporate name containing MTR or variations thereof, or a foreign equivalent to MTR.

H. Defendants shall destroy any advertising or promotional materials that contain the MTR Marks.

I. Defendants shall, at Plaintiff MTR Foods' expense, cooperate with Plaintiff MTR Foods in submitting documents, providing information, or otherwise taking any action before, with, or in connection with any federal, state, or local government agency, including but not limited to the United States Food and Drug Administration and the United States Customs and Border Protection, that Plaintiff MTR Foods deems necessary or desirable to conduct its business and otherwise ship, market, and sell products manufactured by Plaintiff MTR Foods.

J. Defendants' counterclaims against Plaintiffs are hereby dismissed with prejudice.

K. The Court shall retain jurisdiction over the parties for purposes of making any orders necessary or proper to construe, interpret, enforce, or implement the terms of this Consent Judgment and Permanent Injunction, the parties' Settlement Agreement, and to award damages, costs and attorneys' fees for violations of the terms of this Consent Judgment and Permanent Injunction or the parties' Settlement Agreement.


L. This Consent Judgment and Permanent Injunction shall be binding upon and shall inure to the benefit of the parties and each of their respective subsidiaries, corporate parents, affiliates, and/or successors and assigns.

Dated: 4/14/ 2008

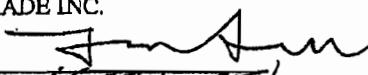

United States District Judge

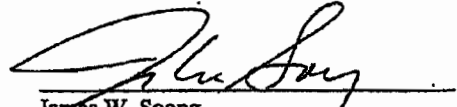
The parties have consented to the entry of this Consent Judgment and Permanent Injunction without further notice.

MTR FOODS LTD.

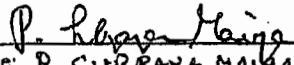
By: 
Name: P. Sadanaride Mary
Title: Manager Director

AMTRADE INC.

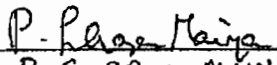
By: 
Name: TEJEN SEN
Title: PRESIDENT


James W. Soong
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3150 Porter Drive
Palo Alto, CA 94304-1212
Attorney for Plaintiffs

MTR IMPORTS, INC.

By: 
Name: P. SUBRAYA MAIYA
Title: PRESIDENT

SUBRAYA MAIYA

By: 
Name: P. SUBRAYA MAIYA

ARUN MAIYA

By: *Arun S. Maiya*
Name: ARUN S. MAIYA

Pamela Betty Tufariello
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